

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GARY JONES,

Plaintiff,

Case Number: 05-CV-74315-DT

v.

JUDGE PAUL D. BORMAN  
UNITED STATES DISTRICT COURT

GEORGE YOUNG POSTAL INSPECTORS,

Defendants.

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**ORDER *SUA SPONTE* DISMISSING PLAINTIFF'S COMPLAINT  
FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff Gary Jones filed a Complaint on October 14, 2005 against Defendant George Young Postal Inspectors, alleging the following:

[Defendants] have illegally used the Bullard-Plawecki Act - The Right to Know[,] to manipulate the Fitness for Duty Exam against Federal employees and cover it up. Once the fraud medical statements are written, the criminal investigation instructs the postal management to create a hostile workplace to bring out the fraud medical statements on the Federal employees. . . . The Fitness for Duty Exam under the . . . Bullard-Plawecki Act - The Right to Know (without the Federal employee knowing it) can medically turn a normal person to a person with mental violent possibilities with the stroke of a pen.

(Compl. 1-2). On Plaintiff's Complaint cover sheet, he brings this cause of action under Michigan's Elliot-Larsen Civil Rights Act to "protect [him] from the fraud procedures in the Fitness for Duty Exam and denial of [his] medical records." (Compl, Cover Sheet).

"A district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations are "implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to

discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6<sup>th</sup> Cir. 1999). Pursuant to Federal Rule of Civil Procedure 12(b)(1), the Court finds that Plaintiff’s Complaint is implausible, frivolous and devoid of any merit on its face. Accordingly, the Court *sua sponte* DISMISSES Plaintiff’s Complaint for lack of subject matter jurisdiction.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 10, 2006.

s/Jonie Parker  
Case Manager